

Senate File 185

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1027)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to criminal law and procedure, including the
2 criminal offenses of arson, communications by an arrested
3 person, and harassment.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1037SV 80
6 jm/cl/14

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1 1 Section 1. Section 692A.14, Code 2003, is amended to read
1 2 as follows:
1 3 692A.14 COOPERATION WITH REGISTRATION.
1 4 Each agency of state and local government which possesses
1 5 information relevant to requirements that a person register
1 6 under this chapter shall provide that information to the court
1 7 or the department upon request. Minutes of testimony shall
1 8 also be provided to the department of corrections, the
1 9 department of human services, or the department of public
1 10 safety upon request for the purpose of conducting an
1 11 assessment of risk. All other confidential records provided
1 12 under this section shall remain confidential, unless otherwise
1 13 ordered by a court, by the lawful custodian of the records, or
1 14 by another person duly authorized to release such information.
1 15 Sec. 2. Section 708.7, subsection 1, paragraph a,
1 16 subparagraph (2), Code 2003, is amended to read as follows:
1 17 (2) Places a simulated explosive or simulated incendiary
1 18 device in or near ~~a building, vehicle, airplane, railroad~~
1 19 ~~engine or railroad car, or boat occupied by another person an~~
1 20 ~~occupied structure as defined in section 702.12.~~
1 21 Sec. 3. Section 712.1, Code 2003, is amended to read as
1 22 follows:
1 23 712.1 ARSON DEFINED.
1 24 1. Causing a fire or explosion, or placing any burning or
1 25 combustible material, or any incendiary or explosive device or
1 26 material, in or near any property with the intent to destroy
1 27 or damage such property, or with the knowledge that such
1 28 property will probably be destroyed or damaged, is arson,
1 29 whether or not any such property is actually destroyed or
1 30 damaged. Provided, that where a person who owns said property
1 31 which the defendant intends to destroy or damage, or which the
1 32 defendant knowingly endangers, consented to the defendant's
1 33 acts, and where no insurer has been exposed fraudulently to
1 34 any risk, and where the act was done in such a way as not to
1 35 unreasonably endanger the life or property of any other person
2 1 the act shall not be arson.
2 2 2. Causing by manufacturing or attempting to manufacture a
2 3 controlled substance in violation of section 124.401, a fire
2 4 or explosion that destroys property is arson. Even if a
2 5 person who owns property which the defendant intends to
2 6 destroy or damage, or which the defendant knowingly endangers,
2 7 consents to the defendant's act, and if an insurer has not
2 8 been exposed fraudulently to any risk, and even if the act was
2 9 done in such a way as not to unreasonably endanger the life or
2 10 property of any person, the act constitutes arson.
2 11 Sec. 4. Section 712.2, Code 2003, is amended to read as
2 12 follows:
2 13 712.2 ARSON IN THE FIRST DEGREE.
2 14 Arson is arson in the first degree when ~~the property which~~
2 15 ~~the defendant intends to destroy or damage, or which the~~
2 16 ~~defendant knowingly endangers, is property in which the~~
2 17 ~~presence of one or more persons can be reasonably anticipated~~
2 18 ~~in or near the property which is the subject of the arson, or~~
2 19 ~~the arson results in the death of a fire fighter, whether paid~~
2 20 ~~or volunteer.~~
2 21 Arson in the first degree is a class "B" felony.
2 22 Sec. 5. Section 712.3, Code 2003, is amended to read as

2 23 follows:

2 24 712.3 ARSON IN THE SECOND DEGREE.

2 25 Arson which is not arson in the first degree is arson in

2 26 the second degree when the property ~~which the defendant~~

~~2 27 intends to destroy or damage, or which the defendant knowingly~~

~~2 28 endangers, which is the subject of the arson, is a building or~~

2 29 a structure, or real property of any kind, or standing crops,

2 30 or is personal property the value of which exceeds five

2 31 hundred dollars. Arson in the second degree is a class "C"

2 32 felony.

2 33 Sec. 6. Section 804.20, Code 2003, is amended to read as

2 34 follows:

2 35 804.20 COMMUNICATIONS BY ARRESTED PERSONS.

3 1 Any peace officer or other person having custody of any

3 2 person arrested or restrained of the person's liberty for any

3 3 reason whatever, shall permit that person, without unnecessary

3 4 delay after arrival at the place of detention, to call,

3 5 consult, and see a member of the person's family or an

3 6 attorney of the person's choice, or both. Such person shall

3 7 be permitted to make a reasonable number of telephone calls as

3 8 may be required to secure an attorney. If a call is made, it

3 9 shall be made in the presence of the person having custody of

3 10 the one arrested or restrained. If such person is

3 11 intoxicated, or a person under eighteen years of age, the call

3 12 may be made by the person having custody. An attorney shall

3 13 be permitted to see and consult confidentially with such

3 14 person alone and in private at the jail or other place of

3 15 custody without unreasonable delay. ~~A violation of this~~

~~3 16 section shall constitute a simple misdemeanor. A law~~

~~3 17 enforcement agency shall develop personnel policies to ensure~~

~~3 18 the implementation of this section.~~

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